

FILED

## UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

2022 JUL 19 PM 3:44

U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TN

Division

03-22 0543

Case No.

(to be filled in by the Clerk's Office)

OLIVER BUCHANAN

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

William Lee, Governor of the State of Tennessee, in  
his official capacity; and  
David Rausch, Director of the Tennessee Bureau of  
Investigation, in his official capacity

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT AND REQUEST FOR INJUNCTION

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

|                    |                            |
|--------------------|----------------------------|
| Name               | Oliver Buchanan            |
| Street Address     | 180 Wallace Road Unit # J5 |
| City and County    | Nashville Davidson County  |
| State and Zip Code | TN 37211                   |
| Telephone Number   | 615-968-1883               |
| E-mail Address     |                            |

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

## Defendant No. 1

|                                    |                                      |
|------------------------------------|--------------------------------------|
| Name                               | William Lee                          |
| Job or Title ( <i>if known</i> )   | Governor of the State of Tennessee   |
| Street Address                     | 1 <sup>st</sup> Floor, State Capitol |
| City and County                    | Nashville, Davidson County           |
| State and Zip Code                 | TN 37243                             |
| Telephone Number                   | 615-741-2001                         |
| E-mail Address ( <i>if known</i> ) |                                      |

## Defendant No. 2

|                                    |   |
|------------------------------------|---|
| Name                               | David Rausch                                      |
| Job or Title ( <i>if known</i> )   | Director of the Tennessee Bureau of Investigation |
| Street Address                     | 901 R.S. Gass Boulevard                           |
| City and County                    | Nashville, Davidson County                        |
| State and Zip Code                 | TN 37216  |
| Telephone Number                   | 615-744-4000                                      |
| E-mail Address ( <i>if known</i> ) |   |

## Defendant No. 3

|                                    |  |
|------------------------------------|--|
| Name                               |  |
| Job or Title ( <i>if known</i> )   |  |
| Street Address                     |  |
| City and County                    |  |
| State and Zip Code                 |  |
| Telephone Number                   |  |
| E-mail Address ( <i>if known</i> ) |  |

## Defendant No. 4

|                                  |  |
|----------------------------------|--|
| Name                             |  |
| Job or Title ( <i>if known</i> ) |  |
| Street Address                   |  |
| City and County                  |  |
| State and Zip Code               |  |
| Telephone Number                 |  |

E-mail Address *(if known)* \_\_\_\_\_

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Article I, Section 10 of the U.S. Constitution, 42 U.S.C. Section 1983

### B. If the Basis for Jurisdiction Is Diversity of Citizenship

#### 1. The Plaintiff(s)

##### a. If the plaintiff is an individual

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the  
State of *(name)* \_\_\_\_\_.

##### b. If the plaintiff is a corporation

The plaintiff, *(name)* \_\_\_\_\_, is incorporated  
under the laws of the State of *(name)* \_\_\_\_\_,  
and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

#### 2. The Defendant(s)

##### a. If the defendant is an individual

The defendant, *(name)* \_\_\_\_\_, is a citizen of

the State of *(name)* \_\_\_\_\_ . Or is a citizen of  
*(foreign nation)* \_\_\_\_\_ .

b. If the defendant is a corporation

The defendant, *(name)* \_\_\_\_\_ , is incorporated under  
the laws of the State of *(name)* \_\_\_\_\_ , and has its  
principal place of business in the State of *(name)* \_\_\_\_\_ .  
Or is incorporated under the laws of *(foreign nation)* \_\_\_\_\_ ,  
and has its principal place of business in *(name)* \_\_\_\_\_ .

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*: \_\_\_\_\_

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### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

Tennessee

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B. What date and approximate time did the events giving rise to your claim(s) occur?



2001 through present

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- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

I was convicted of aggravated sexual battery in Davidson County Criminal Court in 1992. I was released from custody in 2001 and was required to register as a sexual offender. In 2004, Tennessee adopted the Tennessee Sexual Offender and Violent Sexual Offender, Registration, Verification, and Tracking Act ("TSORA"). The Defendants are enforcing TSORA against me in violation of my right against ex post facto punishment. I am subject to stringent registration and reporting requirements and am severely limited in where I can live, work, and go. I have been prosecuted incarcerated multiple times for sex offender registration violations. I am classified as a "violent sexual offender" and required to register in person at least four times a year.

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#### **IV. Irreparable Injury**

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

Without declaratory and injunctive relief, the Defendants will continue to enforce TSORA against me.

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#### **V. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I am seeking declaratory and injunctive relief prohibiting the Defendants from continuing to enforce TSORA against me in violation of my constitutional right against ex post facto punishment.

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**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 07/19/2022

Signature of Plaintiff

Printed Name of Plaintiff

  
Oliver Buchanan

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

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